

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of :

Appl. No.10/625,149 : Confirm. No. 8274

H. Downman McCarty, Jr. :

Brooke Schumm III

Peter Popper, Applicants : Examiner: O. Flores Sanchez

Filed: July 23, 2003 : Group Art Unit 3724

**For: AN ANTI-SPALLING COMBINATION ON AN IMPACT TOOL  
WITH AN IMPROVED HOLDING SYSTEM**

Honorable Commissioner of Patents and Trademarks  
Mail Stop Patent Application, P.O. Box 1450  
Alexandria, VA 22313-1450 (electronically filed)

**CONTINUATION AND PRIORITY DATA**

Continuation in part of PCT/US02/23448 and entry into the national stage of  
PCT/US02/23448, continuation in part of U.S. provisional applications 60/307,198 filed  
on July 23, 2001, and 60/356,804 filed on February 13, 2002

**RESPONSE TO OFFICE ACTION OF February 21, 2007 within the 30 days specified  
on the Notice of Mailing sent and attached hereto.**

Applicants believe the election was made and an explanation was made as to the  
structure of the claims and that they read on Fig. 11A-11C which is Species XII.

In the response filed in or about May 22, 2006, the Applicants stated:

“In response to the Office Action of November 21, 2005, an election is made to  
Species XII: Embodiment of Fig. 11A-11C.

The applicants believe that claims setting forth a genus covering this embodiment  
are allowable, but have set out a species, and the claims have been narrowed and re-  
written.”

Response, 5/22/2006 at page 1 in Image File Wrapper

Further on, the Applicants stated:

“The independent claims read on Species XII. Other details that read on features shown in other figures are presented in the dependent claims as suggested by the examiner.”

Response, 5/22/2006 at page 1 in Image File Wrapper.

Applicants re-state and adopt those statements again. Species XII is elected and the independent claims read on Species XII. Other details that read on features shown in other figures are presented in the dependent claims as suggested by the examiner. The application is believed to be in order for allowance.

Attached is the notice of mailing.

If any further extension is needed, petition is made for an extension, and the office is authorized to charge any fees to my deposit account 50-3153.

Respectfully,

/Brooke Schumm III/ \_\_\_\_\_ /s/ Brooke Schumm III Date 3/12/2007  
Brooke Schumm III  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,149	07/23/2003	H. Downman McCarty II		8274
25175 7590 02/21/2007 BROOKE SCHUMM III ONE NORTH CHARLES STREET SUITE 2450 BALTIMORE, MD 21201				
			EXAMINER FLORES SANCHEZ, OMAR	
			ART UNIT	PAPER NUMBER
			3724	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
30 DAYS	02/21/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.